

626 Such a fear, together with public opinion, took care of many
681 minor offenses which other societies deal with by law and even of some major ones. For the other major offenses, there were various methods of discipline: admonition by the authorities, banishment; supernatural vengeance, and, finally, whipping. We may trace, in the acts catalogued as misdemeanors and in their punishment, two attitudes, the aboriginal and the acculturated, overlapping and combining in various ways.

● 674 From the aboriginal point of view, the major offenses against
681 society were incest (which meant connections with any known relative); the failure of a woman to segregate herself at menstruation or childbirth, and the practise of sorcery. Any of these were thought to bring calamity upon the whole community and if whipping had been a Papago institution, we should expect these to be the first to merit it. However, whipping was rarely mentioned in this connection and the usual punishments were not meted out by man at all but by the supernatural. Families who knew that any of their members
684 were about to commit incest or had done so, dealt with them by moral suasion and, if that failed, took them to the Keeper of the Meeting or the governor. If they still refused to separate, the only punishment was to force them to leave the family group. This was a serious economic misfortune and might be considered a punishment though it was done only to avoid calamity for the family. The offenders were certain to be struck with illness or misfortune by supernatural means.

682 The woman who did not segregate herself brought on her community the danger of flood or lightning and therefore her relatives, and particularly her parents saw to it that she did her duty. If she deceived them, calamity could be averted by her confession and then she was not punished for confession removed the evil influence. But if she did not confess, a supernatural doom would overtake her and some or all of her connections.

683 The sorcerer was treated in an entirely different way: his was the one case where the Papago performed an official execution. It is possible that sorcery was more frequent than other lapses for the Spanish records are full of it, and one Spanish priest is even said to have died of it. But certainly, vengeance in this case was not left to the supernatural though any good shaman was welcome to try and kill the evil one. But when the latter had proved himself a public menace by the number of deaths he was thought to have caused, the council would decree his death and send some young man out with a club to despatch him. Or the villagers all together might lynch him, or several do the work on their own initiative and

be thanked by the council. The record of the calendar stick is punctuated with such executions. 683

Murder, in the Papago view, was not a crime. It took place generally at the drinking feast or in a quarrel over a woman, and the victim's family then had a right to kill the murderer or a member of his family. The Keeper, governor and elders remonstrated with them and begged them not to make the village lose a man, but if they insisted, "no one would interfere." One instance was recited where the murderer had fled the country but his brother was still in the village. The victim's brothers came to the door of his house and told him: "We are going to kill you. Send your wife and children away." He sent them away and then came to meet his executioners. After his death his wife tore down the house, according to the usual custom and all the village united in rebuilding it for her at another place and in helping to support her for life (2). 674 • 627

Murder was considered by the Spaniards a crime for which the offender should be delivered to the provincial authorities, but the Papago ignored the ruling except when soldiers or priests were sent to enforce it. Assault and battery was considered a family affair, like murder and in old times it was left to the people concerned. However, the priests thought it a matter for the whipping post and in some places it came to have that penalty. 683

There was considerably less scope for sexual offenses than in modern society and a man, particularly, had a great deal of freedom. If he conceived a sudden passion, he could always take the woman as an additional wife, after the proper preliminaries of divorce for a married woman or proposal for a maiden. There were official nights of saturnalia, at the drinking feast and the maiden's dance when he could gratify a briefer desire. Homosexual tendencies were openly acknowledged and sanctioned. 684 786 [838]

Yet sexual offenses did occur. Rape is never mentioned and an illicit affair with a maiden was not important, but one with a married woman, without the proper divorce, was an infringement of the husband's property right. The husband could destroy or appropriate the lover's property and, if he killed him, would not be interfered with. A woman had less freedom and less consolation. There were no female transvestites and a woman could take advantage of the saturnalian feasts only with her husband's consent. She could have only one husband and, if she preferred another man must be divorced and become a second wife. If her husband was having a love affair, she had no remedy but to scratch the other woman while the village looked on. When too much outraged, she 684 [839] 837

THE DESERT PEOPLE

- 646 be rushed or pushed into action. If these qualities are respected by government representatives, they are more likely to gain the support and active participation of the council in their common responsibility—the welfare of the Papago.

THE TRIBAL COURT

- 671 Off the reservation Indians are subject to state and local law. On their reservations they are subject to federal law in regard to ten major crimes: murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, larceny, incest, and robbery. All other offenses are dealt with according to the tribal law.⁹

The Papago code of law and order, drawn up by a committee of the tribal council,¹⁰ is in the main a codification of the old laws and customs of the people. However, it includes several white innovations such as the requirement of a marriage license and ceremony and provision for probating estates and appointing guardians.

- 692 On the Papago reservations law is administered by a tribal court and Indian police. The tribal court is presided over by Indian judges whose appointment by the superintendent must be approved by the tribal council. The constitution provides for three judges in all, but at the time of this study there was only one on the main Reservation and one at San Xavier.

- 626 As noted in chapter iv, many difficulties which might come to court are
696 settled within the family without recourse to law, or are taken to the village
681 court. Since the Papago are a law-abiding people, not many cases come up for
674 trial. In one year only 116 were on record, the majority cases of drunkenness.
The usual sentence is a number of days in jail. The normal Papago does not
like such a sentence, for he does not like to have "people talk," as they do
when someone is behind bars. Thus the diffuse sanctions of public opinion are
important in maintaining the legal sanctions.

- 693 Indian judges and police are not in a particularly happy position. Several past incumbents criticized for favoring kinsmen or people of their own religious denomination resigned. At the time of this study, one of the judges nominally a Presbyterian apparently was not accused of partiality.

DISTRICT COUNCILS AND COURTS

- 631 According to the tribal constitution, the district is the basic unit of govern-
634 ment, with an elected council and a court. Actually, however, as indicated in
preceding sections, this white pattern of government has not really taken root

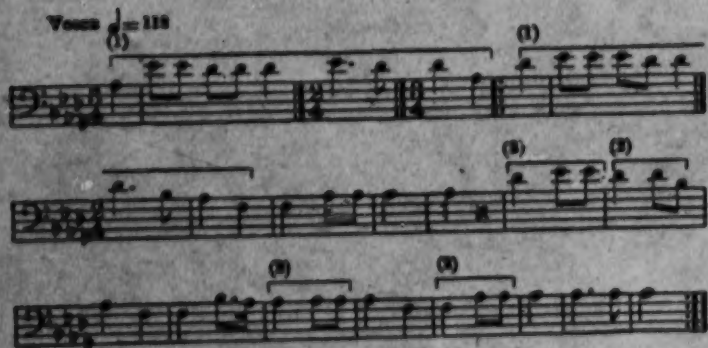
657 ⁹ Or, in the absence of such a code, according to a code of laws for Indians embodied in U.S. Code, Title 25.

¹⁰ Approved 1945.

No. 78. "Yonder Lies the Spirit Land"

(Catalogue No. 938) 533^x

Recorded by SEVERIANO GARCIA



TRANSLATION

Yonder lies the spirit land.
 Yonder the spirit land I see.
 Farther ahead, in front of me,
 I see a spirit stand.

Analysis.—This song contains two rhythmic units, that in the first part of the song being the longer. It is interesting to note the steadiness of the rhythm in the latter portion. The keynote is next to the highest tone in the compass, which is very unusual in Indian songs. The tone material is the fourth five-toned scale.

An omitted song and No. 80 were said to have been received from Ciko, whose death was tragic in its circumstances. He was killed in a drunken fight and his body was carried around in a buggy and laid on the railroad track so it would appear that he had been killed by a train. This took place about the year 1912. Two years later his spirit appeared to Owl Woman and sang these two songs. The words of the untranscribed song are translated as follows:

Sadly I was treated, sadly I was treated,
 Through the night I was carried around,
 Sadly was I treated.

The words of the transcribed song are less clear in their application.

[Arizona Labor Camps]

674
578 A glance at newspaper files gives examples of the physical danger labor camp residents live under. George Butler, a farm worker, was knifed in the throat in a roadside tavern by another cotton picker in Pinal county.¹ Leonard Baker was shot outside the tent he shared with a common-law wife in a Pima county camp.² The mystery surrounding the death of a Papago man found on the desert in Pinal county remains unsolved at this writing.

The Eloy area is infamous for its deaths by violence in recent years of cotton field expansion. Cotton picker Alonzo Davis is in the Arizona State Prison after killing a friend in a labor camp in a drunken stupor.³ Another cotton picker beat a drinking companion's brains out with a pipe to rob him.⁴ An itinerant harvester accused the postmaster of withholding his mail, and gunned him down on the street before being slain by a wounded deputy sheriff.⁵ And these are only examples.

[839] Death is not the only form of violence the non-aggressive Desert People face in labor camps. A 14 year old Papago school girl was raped by 3 men who seized her as she carried home her groceries one night in 1950.⁶

COSTS

362
466 In spite of their great dependence on hands living in their labor camps, southern Arizona farmers don't invest much in labor efficiency in the form of good labor housing in their camps. This fact is obvious to anyone driving the highways of Pinal or Pima county. Estimating the fact in terms of dollars is very difficult, due to marked reluctance of cotton growers to discuss the amount they have invested in camp housing. This reluctance, we may guess, springs from a guilty conscience over the poor quality of the labor camps, and past experience with unfavorable publicity in city newspapers.

The meager data which could be gathered in this study indicates, though it does no more than indicate, that the average cotton farmer in the region spends some \$4,000 on his labor camp. Actually an average of labor camp costs

¹Arizona Daily Star, Nov. 8, 1950.

²Tucson Daily Citizen, April 21, 1951.

³Altoer, n.d., p. 13

⁴Ibid., p. 17.

⁵Ibid., p. 23-27.

⁶Tucson Daily Citizen, Sept. 25, 1950.

Data on original investment in labor housing was obtained